

PATENT  
Customer No. 22,852  
Attorney Docket No. 05725.0073-03000

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Myriam MELLUL et al. ) Group Art Unit: 1615  
)  
Application No.: 09/987,885 ) Examiner: J. Venkat  
)  
Filed: November 16, 2001 ) Confirmation No.: 7554  
)  
For: ANHYDROUS AND WATER- )  
RESISTANT COSMETIC )  
COMPOSITIONS )  
)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b) AND  
SUBMISSION UNDER 37 C.F.R. § 1.114**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Office the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action and concurrently with the filing of a Request for Continued Examination in the above-referenced application. This Information Disclosure Statement satisfies the requirement of a "submission" under 37 C.F.R. § 1.114.

Copies of the listed foreign and non-patent literature documents are attached.  
Copies of the listed U.S. patents are not enclosed.

Applicants respectfully request that the Office consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **DE 1 913 569** - An abstract of this document can be found in the English language Derwent abstract submitted herewith.
2. **EP 0 255 655 A2** - This document was properly cited on the Information Disclosure Statement filed August 26, 2003. An abstract of this document can be found in the English language Derwent abstract submitted herewith. This document is believed to be related to U.S. Patent No. 5,089,256, as evidenced by the European Patent Office abstract and family listing of EP 0 255 655 A2.
3. **EP 0 268 950 A2** - An abstract of this document can be found in the English language Derwent abstract submitted herewith. This reference is also believed to be related to U.S. Patent No. 4,855,129, as evidenced by the European Patent Office abstract and family listing of EP 0 268 950 A2.
4. **FR 2 556 940 A** - This document was properly cited on the Information Disclosure Statement filed August 26, 2003. An abstract of this document can be found in the English language Derwent abstract submitted herewith.
5. **JP 60-255714 A** - An English translation of this document is submitted herewith.
6. **JP 61-161211 A** - An English translation of this document is submitted herewith.

7. **JP 62-061911 A** - An abstract of this document can be found in the English language Derwent abstract submitted herewith.
8. **JP 62-238212 A** - An English translation of this document is submitted herewith.
9. **JP 62-298512 A** - An English translation of this document is submitted herewith.
10. **JP 63-183516 A** - An English translation of this document is submitted herewith.
11. **JP 01-143816 A** - An English translation of this document is submitted herewith.
12. **JP 01-168607 A** - An English translation of this document is submitted herewith.
13. **JP 01-250307 A** - An English translation of this document is submitted herewith.
14. **JP 01-283209 A** - An English translation of this document is submitted herewith.
15. **JP 05-32527 A** - An English translation of this document is submitted herewith.
16. **JP 07-258030 A** - An English translation of this document is submitted herewith.
17. **WO 91/12793 A1** - An abstract of this document can be found in the English language Derwent abstract submitted herewith. This document is believed to

be related to U.S. Patent No. 5,925,337, as evidenced by the European Patent Office abstract and family listing of WO 91/12793 A1.

18. **WO 93/17660 A1** - An abstract of this document can be found in the English language Derwent abstract submitted herewith. This document is believed to be related to U.S. Patent No. 5,496,544, as evidenced by the European Patent Office abstract and family listing of WO 93/17660 A1.

On August 26, 2003, Applicant submitted an Information Disclosure Statement and 13-page Form PTO 1449. Applicant notes that several of the documents listed on the Form PTO 1449 returned with the Office Action dated December 22, 2003, were crossed through, rather than initialed. Applicants believe that the references were properly listed documents and respectfully request that the Office consider the documents and indicate that the documents were considered. For the Office's convenience, Applicants submit this Information Disclosure Statement and Form PTO/SB/08, listing all the documents previously listed by Applicants but crossed through by the Office. If the Office disagrees, Applicants would greatly appreciate citation of a regulation or PTO rule establishing that Applicants' submission was improper. However, if the Office considers any listed document but crosses through the listing rather than initialing it, Applicants respectfully request that the Office so state in the next paper, so that the record regarding this fact is clear.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Office applies any of the documents as prior art against any claim in the application and Applicants determine

that the cited documents do not constitute "prior art" under United States law,  
Applicants reserve the right to present to the Office the relevant facts and law regarding  
the appropriate status of such documents.

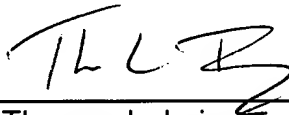
Applicants further reserve the right to take appropriate action to establish the  
patentability of the disclosed invention over the listed documents, should one or more of  
the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please  
charge the fee to our Deposit Account No. 06-0916.

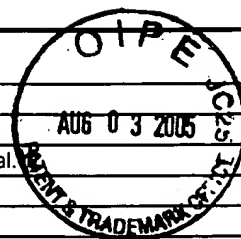
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 3, 2005

By:   
Thomas L. Irving  
Reg. No. 28,619

IDS Form PTO/SB/08: Substitute for form 1449A/PTO			<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>			<i>Application Number</i>	09/987,885	
			<i>Filing Date</i>	November 16, 2001	
			<i>First Named Inventor</i>	Myriam MELLUL et al.	
			<i>Art Unit</i>	1615	
			<i>Examiner Name</i>	Jyothsna VENKAT	
<i>Attorney Docket Number</i>	05725.0073-03000				
Sheet	1	of	3		



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No.	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code (if known)			
		US-4,578,266	03-25-1986	Tietjen et al.	
		US-4,855,129	08-08-1989	Steinbach et al.	
		US-5,089,256	02-18-1992	Scheller et al.	
		US-5,118,507	06-02-1992	Clement	
		US-5,266,321	11-30-1993	Shukazaki et al.	
		US-5,496,544	03-05-1996	Mellul et al.	
		US-5,648,066	07-15-1997	Stepniewski	
		US-5,902,592	05-11-1999	Bara et al.	
		US-5,925,337	07-20-1999	Arraudeau et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
		DE 1 913 569	10-02-1969	Voisin et al.		Abstract
		EP 0 255 655 A2	02-10-1988	Wuerttembergische Parfuemerie-Fabrik GmbH		Abstract
		EP 0 268 950 A2	06-01-1988	Bayer AG		Abstract
		EP 0 381 166 A2	08-08-1990	Dow Corning Toray Silicone Co.		
		EP 0 388 582 A2	09-26-1990	Kobayashi Kose Co.		
		EP 0 590 192 A1	04-06-1994	Toshiba Silicone Co.		
		FR 2 556 940 A	06-28-1985	Laboratoires Contapharm Sarl		Abstract
		JP 60-255714 A	12-17-1985	Pola Chemical Industries Inc.		Yes
		JP 61-161211 A	07-21-1986	Shiseido Co.; Shin-etsu Chemical Industry Co.		Yes
		JP 62-061911 A	03-18-1987	Noebia:KK		Abstract

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

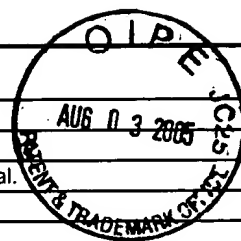
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known**

Sheet	2	of	3	Application Number	09/987,885
				Filing Date	November 16, 2001
				First Named Inventor	Myriam MELLUL et al.
				Art Unit	1615
				Examiner Name	Jyothsna VENKAT
				Attorney Docket Number	05725.0073-03000

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation
		Country Code Number Kind Code (if known)				
		JP 62-238212 A	10-19-1987	Shiseido Co.		Yes
		JP 62-298512 A	12-25-1987	Shiseido Co.; Shin-etsu Chemical Industry Co.		Yes
		JP 63-183516 A	07-28-1988	Shiseido Co.		Yes
		JP 01-143816 A	06-06-1989	Shiseido Co.		Yes
		JP 01-168607 A	07-04-1989	Shiseido Co.		Yes
		JP 01-250307 A	10-05-1989	Kose Corp.		Yes
		JP 01-283209 A	11-14-1989	Kose Corp.		Yes
		JP 05-32527 A	02-09-1993	Shiseido Co.		Yes
		JP 06-24932 A	02-01-1994	Isehan:KK		Yes
		JP 07-258030 A	10-09-1995	Pola Chemical Industries Inc.		Yes
		WO 91/12793 A1	09-05-1991	L'Oreal		Abstract
		WO 93/17660 A1	09-16-1993	L'Oreal		Abstract

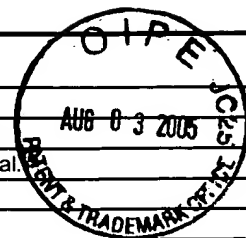
**ABSTRACTS AND PATENT TRANSLATIONS**

Examiner Initials	Cite No.	Abstracts, translations, and patent family listings of foreign patent documents identified above.	Translation
		English language Derwent Abstract of DE 1 913 569	
		English language Derwent Abstract of EP 0 255 655 A2	
		European Patent Office abstract and family listing of EP 0 255 655 A2	
		English language Derwent Abstract of EP 0 268 950 A2	
		European Patent Office abstract and family listing of EP 0 268 950 A2	
		English language Derwent Abstract of FR 2 556 940 A	
		English translation of JP 60-255714 A	
		English translation of JP 61-161211 A	
		English language abstract of JP 62-061911 A from Patent Abstracts of Japan	
		English translation of JP 62-238212 A	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

IDS Form PTO/SB/08: Substitute for form 1449A/PTO			<b>Complete if Known</b>		
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(Use as many sheets as necessary)</i>			Application Number	09/987,885	
			Filing Date	November 16, 2001	
			First Named Inventor	Myriam MELLUL et al.	
			Art Unit	1615	
			Examiner Name	Jyothsna VENKAT	
			Attorney Docket Number	05725.0073-03000	
Sheet	3	of	3		



ABSTRACTS AND PATENT TRANSLATIONS			
Examiner Initials	Cite No.	Abstracts, translations, and patent family listings of foreign patent documents identified above.	Translation
		English translation of JP 62-298512 A	
		English translation of JP 63-183516 A	
		English translation of JP 01-143816 A	
		English translation of JP 01-168607 A	
		English translation of JP 01-250307 A	
		English translation of JP 01-283209 A	
		English translation of JP 05-32527 A	
		English translation of JP 06-24932 A	
		English translation of JP 07-258030 A	
		English language Derwent Abstract of WO 91/12793 A1	
		European Patent Office abstract and family listing of WO 91/12793 A1	
		English language Derwent Abstract of WO 93/17660 A1	
		European Patent Office abstract and family listing of WO 93/17660 A1	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.